

# Payments Collected by the Office of the State Public Defender

1. Payments are collected under 47-1-110(2):

**47-1-110. Public defender account.** (1) There is a public defender account in the state special revenue fund. Gifts, grants, or donations provided to support the system must be deposited in the account. Money in the account may be used only for the operation of the system.

(2) Beginning July 1, 2006, money to be deposited in the account also includes:

- (a) payments for the cost of a public defender ordered by the court pursuant to 46-8-113 as part of a sentence in a criminal case;
- (b) payments for public defender costs ordered pursuant the Montana Youth Court Act; and
- (c) payments made pursuant to The Crime Victims Compensation Act of Montana and designated as payment for public defender costs pursuant to 53-9-104.

**History:** En. Sec. 13, Ch. 449, L. 2005.

2. Payments Collected in FY 07 by Type:
  - a. \$800, Donations
  - b. Youth Offenders, none designated
  - c. \$10,750, Condition of Sentence
  - d. Proceeds from activities under Crime Victim's Compensation Act, none designated
3. Collection Procedure
  - a. Judge levies fine
  - b. Payment made to district court and/or courts of limited jurisdiction
  - c. Court submits funds to OPD
4. Problems/Issues
  - a. Not all judges levy fines
  - b. OPD not notified of levy
  - c. No standard collection process
  - d. OPD can't identify type of payment
  - e. Lump sum payments received for multiple clients without detail
  - f. Individual payments can't be tied to OPD number